

ORDINANCE NO. _____

An Ordinance Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting a Negative Declaration and Amending Text Of Chapter 26 (Zoning Ordinance) Of The Sonoma County Code To Allow Cultivation of Cannabis and Related Land Uses in Various Zoning Districts, Adopting New Definitions and Establishing Special Use Regulations.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Findings. The Board finds and declares that the adoption of this Ordinance is necessary and desirable to foster a healthy, diverse and economically viable cannabis industry in the County that contributes to the local economy and helps retain the use of agricultural lands for agricultural production and ensures that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.

- A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis as a Schedule I Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. There is no federal exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.
- B. In 1996, the voters of the State of California approved Proposition 215, “The Compassionate Use Act” (codified as Health and Safety Code Section 11362.5), which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient’s primary caregiver, for the patient’s personal use, and to create a limited defense to the crimes of possessing or cultivating cannabis. The Compassionate Use Act further provided that nothing in it shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for non-medical purposes.
- C. The State enacted SB 420 in 2004 (known as the “Medical Marijuana Program Act”, codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering medical cannabis, as well as limiting the amount of medical cannabis a qualified individual may possess.

- D. The Medical Marijuana Program Act defines a “primary caregiver” as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- E. Sonoma County Board of Supervisors adopted Medical Marijuana Possession and Cultivation Guidelines on September 26, 2006 by Resolution 06-0846. The Guidelines provide a defense to prosecution or other sanction and are available to someone who possesses or cultivates marijuana for personal medical use. These Guidelines are not zoning code regulations, and they do not allow and do not regulate any manner of cultivation, growing, or delivery of marijuana.
- F. The State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) on September 11, 2015 (SB 643, AB 266, and AB 243), instituting a comprehensive state-level licensure and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis through numerous changes and additions to the Business & Professions Code and the Health and Safety Code. MMRSA legalizes and regulates for-profit commercial activity related to medical marijuana in California. MMRSA provides that cities and counties retain local regulatory authority over medical cannabis.
- G. On June 16, 2016 the state legislature passed SB 837 which was signed by the Governor on June 27, 2016 changing the term marijuana to cannabis and renaming the Medical Cannabis Regulation and Safety Act (Cannabis Act).
- H. The state’s adoption of a comprehensive statewide licensing and enforcement scheme for medical cannabis operations will facilitate local jurisdictions to regulate medical cannabis at the local level, and permit fees will help pay for additional enforcement staff.
- I. Although Sonoma County’s zoning ordinance does not permit cannabis cultivation or other medical cannabis activities besides dispensaries within the unincorporated area of the county, there are an estimated several thousand unregulated cannabis cultivation sites within the County which are unlawful under principles of permissive zoning and County Code. The County has long had insufficient resources to bring code enforcement or nuisance actions against the vast majority of these cultivation sites.
- J. On February 2, 2016, the Board of Supervisors, at an open public meeting, directed staff to bring forward a zoning ordinance allowing but regulating cannabis cultivation and related commercial support uses involving cannabis within the jurisdictional boundaries of Sonoma County.

- K. Children (minors under the age of 18) are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants or products is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).
- L. The unregulated cultivation of cannabis in the unincorporated area of Sonoma County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for cannabis cultivation, including zoning regulation, is proper and necessary to reduce the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated cannabis cultivation.
- M. Comprehensive regulation of premises used for cannabis cultivation or commercial activities related to cannabis is proper and necessary to address the risks and adverse impacts as stated herein.
- N. Outdoor cannabis cultivation, especially within the remote hillside areas, is creating devastating impacts to California's surface and groundwater resources. The State Water Resources Control Board, the North Coast Regional Water Quality Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of cannabis cultivation operations, and corresponding increases in impacts to water supply and water quality, including the discharges into water of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.
- O. The defense to prosecution provided to qualified patients and their primary caregivers under State law to cultivate cannabis plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter in coordination with MCRSA, the County intends to minimize the risks and complaints regarding fire, odor, crime and pollution caused or threatened by the unregulated cultivation of cannabis in the unincorporated area of Sonoma County.
- P. Nothing in this Chapter shall be construed to allow the use of cannabis or allow any activity relating to the cultivation or consumption of cannabis that is otherwise illegal under State law.

SECTION II. Amendments to Definitions. Section 26-02-140 (Definitions) of Chapter 26 of the Sonoma County Code is amended to replace and add the following definitions as shown in Exhibit A attached hereto.

SECTION III. The following Subsections of Chapter 26 of the Sonoma County Code are added for Permitted Uses:

Section 26-04-010 (n) – LIA Land Intensive Agriculture District
Section 26-06-010 (r) – LEA Land Extensive Agriculture District
Section 26-08-010 (q) – DA Diverse Agriculture District
Section 26-10-010 (kk) – RRD Rural and Resource Development District
Section 26-16-010 (ff) – AR Agriculture and Residential District
Section 26-18-010 (bb) – RR Rural Residential
Section 26-20-010 (z) – R1 Low Density Residential District
Section 26-26-010 (h) (8) – PC Planned Community

to read as follows:

“Cannabis cultivation and related land uses in compliance with Section 26-88-250-256”

SECTION IV. The following Subsections of Chapter 26 of the Sonoma County Code are amended for Permitted Uses:

Section 26-04-010 (d) – LIA Land Intensive Agriculture District
Section 26-06-010 (d) – LEA Land Extensive Agriculture District
Section 26-08-010 (d) – DA Diverse Agriculture District
Section 26-10-010 (d) – RRD Rural and Resource Development District
Section 26-16-010 (h) – AR Agriculture and Residential District
Section 26-18-010 (e) – RR Rural Residential

to read as follows:

Outdoor crop production for growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;

SECTION V. The following Subsections of Chapter 26 of the Sonoma County Code are added for Permitted Uses:

Section 26-04-010 (n) – LIA Land Intensive Agriculture District

Section 26-06-010 (s) – LEA Land Extensive Agriculture District

Section 26-08-010 (r) – DA Diverse Agriculture District

to read as follows:

Indoor crop production for growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops in greenhouses or similar structures less than twenty five hundred (2,500) square feet;

SECTION VI. The following Subsections of Chapter 26 of the Sonoma County Code are amended for Permitted Uses:

Section 26-10-010 (e) – RRD Rural and Resource Development District

Section 26-16-010 (i) – AR Agriculture and Residential District

Section 26-18-010 (g) – RR Rural Residential

to read as follows:

Indoor crop production for growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops in greenhouse or similar structures less than eight hundred (800) square feet;

SECTION VII. The following Subsections of Chapter 26 of the Sonoma County Code are added for Uses Permitted with a Use Permit:

Section 26-04-020 (r) – LIA Land Intensive Agriculture

Section 26-06-020 (t) – LEA Land Extensive Agriculture

Section 26-08-020 (t) – DA Diverse Agriculture

Section 26-10-020 (tt) – RRD Rural and Resource Development

Section 26-16-020 (z) – AR Agriculture and Residential

Section 26-18-020 (y) – RR Rural Residential

Section 26-44-020 (q) – MP Industrial Park

Section 26-46-020 (aa) – M1 Limited Urban Industrial

Section 26-48-020 (z) – M2 Heavy Industrial

Section 26-50-020 (aa) – M3 Limited Rural Industrial

to read as follows:

“Cannabis cultivation and related land uses in compliance with Section 26-88-250-256”

SECTION VIII. The following Subsections of Chapter 26 of the Sonoma County Code are amended for Uses Permitted with a Use Permit:

Section 26-16-020 (d) – AR Agriculture and Residential

to read as follows:

Indoor crop production for growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, in greenhouses or similar structures of eight hundred (800) square feet or more;

SECTION V. Article 88 of Chapter 26 of the County Code is hereby amended to add Subsection 26-88-250 – 256 (Cannabis Cultivation and Related Land Uses) as shown in Exhibit B attached hereto.

SECTION VI. Article 88 of Chapter 26 of the County Code is hereby amended to delete Subsection 26-88-126 Medical Cannabis Dispensary in its entirety.

SECTION VII. Article 88 of Chapter 26 of the County Code is hereby amended to add Subsection 26-88-256 Medical Cannabis Dispensary to read as shown in Exhibit C attached hereto.

SECTION VIII. The following Subsections of Chapter 26 of the Sonoma County Code are amended

Section 26-30-020 (z) – C1 Neighborhood Commercial

Section 26-32-020 (ee) – C2 Retail Business and Service

Section 26-34-020 (jj)) – C3 General Commercial

Section 26-36-020 (oo) – LC Limited Commercial

to read as follows:

“Cannabis Dispensary - Medical in compliance with Section 26-88-250 and 256”

The following Subsections are deleted in their entirety

Section 26-32-020 (ff) – C2 Retail Business and Service

Section 26-36-020 (pp) – LC Limited Commercial

SECTION VI. Environmental Determination. An Initial Study and Negative Declaration were prepared and circulated to the public for a 30-day period from September 27 to October 27, 2016. The Negative Declaration has been reviewed and considered, together with comments received during the public review process, in accordance with the California Environmental Quality Act (CEQA) and County CEQA Guidelines. The Board finds on the basis of the whole record before it that the Negative Declaration reflects the independent judgment and analysis of the Board and that there is no substantial evidence that the project will have a significant effect on the environment. The Director of Permit and Resource Management Department is directed to file a Notice of Determination in accordance with CEQA.

SECTION VII. Stay of Enforcement.

All zoning enforcement actions related to existing cannabis operations which do not have prior authorization under Chapter 26 of the Sonoma County Code shall be stayed for a period of 180 days from the effective date of this ordinance provided that the operator has submitted a complete application to the Permit and Resource Management Department to obtain all necessary permits within 30 days of the effective date of the ordinance and the permit process is pursued with diligence by the operator, the stay shall remain in effect until final approval or denial of the application by the County.

The Permit and Resource Management Department cannot stay enforcement of state accessibility regulations and any accessibility complaint received must be abated in accordance with state law. Voluntary disclosure and permit applications to legalize existing cannabis related uses shall not be considered an accessibility complaint and shall not be referred to code enforcement provided that all required applications are submitted within the 30 day period.

SECTION VIII. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision

shall not affect the validity of the remaining portion(s) of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IX. Effective Date. This Ordinance and all amendments to the Sonoma County Code as set forth within shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of Board adoption. This Ordinance shall be published once before the expiration of fifteen (15) days after adoption, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

SECTION X. Custodian of Documents. The Clerk of the Board of Supervisors shall be the custodian of the documents and other materials which constitute the record of the proceedings upon which the Board's decision is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

IN REGULAR SESSION of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this ____ day of _____, 2016, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin:	Rabbit:	Zane:	Gore:	Carrillo:
Ayes:	Noes:	Absent:	Abstain: 0	

So Ordered.

WHEREUPON, the Chair declared the above foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton
Clerk of the Board of Supervisors

ATTACHMENTS

Exhibit A – Definitions Section 26-02-140

Exhibit B – Cannabis cultivation and related land uses Section 26-88-250 through 255

Exhibit C – Cannabis Dispensary – Medical Section 26-88-256

Amendments to Definitions in Section 26-02-140

The following lists definitions with changes to existing definitions shown with deletions in strikeout and additions underlined.

Section 26-02-140 Definitions of the Sonoma County Code is amended to delete or replace certain definitions and add definitions in alphabetical order to read as shown below:

The following definitions shall be replaced to read as follows:

Agricultural crop means any cultivated crop grown and harvested for commercial purposes, except for cannabis and other controlled substances, which are defined and classified separately.

Agricultural cultivation means the act of preparing the soil for the raising of agricultural crops, as defined herein.

Cannabis Dispensary - Medical means a facility operated in accordance with state law, where medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis or medical cannabis products as part of a retail sale.

The following definitions are added in their alphabetical order:

Cannabis means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

Cannabis Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical use, including nurseries, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with the Medical Cannabis Regulation and Safety Act (MCRSA) for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

Cannabis Cultivation Area means the sum of the area(s) of cannabis cultivation as measured around the perimeter of canopy for each discrete area of cannabis cultivation on a single premises, as defined herein. Area of cannabis cultivation is the physical space where cannabis is grown and includes, but is not limited to, garden beds or plots, the exterior dimensions of hoop houses or green houses, and the total area of canopy at maturity for each of the pots and bags containing cannabis plants on the premises. The cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown on the premises.

Cannabis Cultivation Site means the premises, leased area, property, location or facility where medical cannabis is planted, grown, harvested, dried, cured, graded, trimmed, or that does all or any combination of those activities.

Cannabis Cultivation - Indoor means indoor cultivation of cannabis using exclusively artificial lighting.

Cannabis Cultivation - Mixed-Light means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures or light deprivation systems are included in this category.

Cannabis Cultivation - Outdoor means cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.

Cannabis Distribution Facility means the location or a facility where a person licensed with a Type 11 license pursuant to the Medical Cannabis Regulation and Safety Act (MCRSA) conducts the business of procuring medical cannabis from licensed cultivators or manufacturers for sale to licensed dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to licensed dispensaries.

Cannabis Licensee means a person issued a state license under the Medical Cannabis Regulation and Safety Act to engage in commercial cannabis activity.

Cannabis Manufacturer means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license and that holds a valid local license or permit.

Manufactured cannabis means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

Cannabis Manufacturing means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

Cannabis Nursery means a location that produces cannabis clones, immature plants, and seeds for wholesale distribution, used specifically for the planting, propagation, and cultivation of medical cannabis.

Cannabis Operator means the person or entity that is engaged in the conduct of any commercial cannabis use.

Cannabis product, medical cannabis, or medical cannabis product means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, medical cannabis does not include industrial hemp as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

Crop production means the commercial growing and harvesting of agricultural crops including horticultural or ornamental shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops or agricultural commodities except for cannabis or other controlled substances, which shall be defined and classified separately.

Person means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit and includes the plural as well as the singular number.

Premises means a legal parcel compliant with the Subdivision Map Act, or a leasehold interest in land, or a leased or owned space in a building.

Prime Soils means all lands which qualify for rating as Class I or Class II in the Soil Conservation Service land use capability classifications or qualify for rating 80 through 100 in the Storie Index Rating. Additionally, where determined through site-specific fieldwork prepared by a qualified professional, soils meeting these characteristics may be recognized as prime.

Cannabis license, licensee, or registration means a state license issued pursuant to the Medical Cannabis Regulation and Safety Act (MCRSA).

Greenhouse. A temporary or permanent structure, including hothouses, hoop houses and similar structures for the covered propagation and growing of plants, constructed with a translucent roof and/or walls.

Marijuana means Cannabis

Medical Marijuana. See Cannabis – Medical

Nursery – Wholesale Greenhouse means an establishment engaged in the commercial production of trees, plants, seeds, stock, and other vegetation grown within a commercial greenhouse for wholesale distribution to other businesses. Wholesale greenhouse nursery does not include cannabis nurseries which are classified separately.

Nursery – Wholesale means an establishment engaged in the commercial production of trees, plants, seeds, stock, and other vegetation grown on site outdoors either in the ground or in containers for wholesale distribution to other businesses. Wholesale nursery does not include cannabis nurseries which are classified separately. Wholesale nursery may include greenhouses up to 2,500 square feet in size.

Nursery – Retail means an establishment engaged in the propagation of trees, shrubs and horticultural and ornamental plants grown under cover or outdoors for sale to the public. Includes commercial scale greenhouses and establishments for the sale of plant materials, lawn and garden supplies, and related items. Retail nursery does not include cannabis nurseries which are classified separately.

Nursery – Cannabis means an establishment that produces only clones, immature plants, and seeds for wholesale distribution to permitted cultivators or dispensaries, used specifically for the planting, propagation, and cultivation of medical cannabis.

Volatile solvent means volatile organic compounds, including: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene.

Section 26-88-250 Cannabis Uses - Medical

- (a) **Purpose.** This section provides the development and operating standards for personal and commercial medical cannabis uses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine and provide opportunities for economic development.
- (b) **Applicability.** Medical cannabis uses shall be permitted only in compliance with the requirements of Section 26-88-250 through 256 and all other applicable requirements for the specific type of use and those of the underlying base zone.
- (c) **Limitations on Use.** Medical cannabis uses shall only be allowed in compliance with the following sections and all applicable codes set forth in the County Code, including but not limited to, building, grading, plumbing, septic, electrical, fire, hazardous materials, and public health and safety. The operator shall comply with all laws and regulations applicable to the type of use and shall comply with all permit, license, approval, inspection, reporting and operational requirement required by other local, state and federal regulatory agencies having jurisdiction over the type of operation. The operator shall provide copies of other agency and department permits, licenses, or certificates to PRMD to serve as verification for such compliance. Permits for medical cannabis uses shall only be issued where written permission from the property owner or landlord is provided.
- (d) **Permit Requirements.** Medical cannabis uses shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Medical Cannabis Uses and Permit Requirements. No other type of cannabis uses are permitted except as specified in Table 1A-D.
- (e) **Term of Permit.** Permits for medical cannabis uses shall be issued for a period not to exceed one year from the date of permit approval and shall be subject to annual permit renewals.
- (f) **Health and Safety.** Medical cannabis uses shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services. Medical cannabis uses shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.
- (g) **Taxes.** Medical cannabis uses shall comply with any additional taxes that may be enacted by the voters or any additional regulations that may be promulgated.

(h) **Operator Qualifications.** Commercial medical cannabis operators must meet the following qualifications:

1. Commercial medical cannabis operators and all employees must be 21 years of age.
2. Commercial medical cannabis operators shall be subject to background search by the California Department of Justice. Permits for commercial medical cannabis operations shall not be permitted for operators with felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
3. Until January 2020, commercial medical cannabis permits may be issued only to persons that provide written proof that the operator has been a resident of Sonoma County for at least the last two years.
4. The commercial medical cannabis operator must own at least fifty-one percent (51%) of the business or entity applying for or holding the commercial medical cannabis permit and must maintain full management control, including operations of the business or entity applying for or holding the commercial medical cannabis permit.
5. The operator must give preference to hiring local residents.
6. Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or revocation of any issued permit.

(i) **Weights and Measures.** All scales used for commercial transactions shall be registered for commercial use and sealed by the Sonoma County Agricultural Commissioner's Office of Weights and Measures.

(j) **Tracking.** Commercial medical cannabis operators shall comply with any track and trace program established by the County and state agencies. Commercial medical cannabis operators must maintain records tracking all medical cannabis production and products and shall make all records related to commercial medical cannabis activity available to the County upon request.

(k) **Inspections.** Commercial medical cannabis operations shall be subject to inspections by appropriate local and state agencies, including but not limited to, Sonoma County Department of Public Health Services, Agricultural Commissioner and the Permit and Resource Management Department.

- (l) **Enforcement Process.** Complaints regarding cannabis operations will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of the county code or of a zoning standard or use permit condition. Sheriff reports, online searches, citations, aerial photos or neighbor documentation may constitute proof of a violation. If code enforcement verifies that a medical cannabis use is operating in violation of the county code, is otherwise unpermitted or that a zoning or use permit condition violation has occurred, a notice of violation may be issued. At the discretion of the code enforcement officer or the director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a cannabis operation may not be reapplied for or issued for a period of at least two (2) years.
- (m) **Civil Penalties.** In addition to any and all other costs, fees, penalties and expenses which may be assessed or imposed as a result of violation of this Chapter, any person who violates any provision of this Chapter shall be liable and responsible for, and shall pay to the County, a civil penalty of \$500 for a first violation, \$750 for a second violation within twelve months of the first violation, and \$1000 for each additional violation within twelve months of the first violation.
- (n) **No criminal liability for violation.** This Section is not intended to, and does not, establish any criminal liability for a violation of this Section related to all cannabis uses. A violation of this Section shall be subject to all civil enforcement methods.
1. Enhanced penalty for non-permitted operations. A cannabis operation that is determined to be operating without the necessary permit required under this section shall be subject to a penalty of ten (10) times the normal application fee.
 2. Three Strikes Penalty. Upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or operator at the property within a two-year period, the permit for a cannabis operation is summarily revoked, subject to prior notice and to appeal, if requested within ten (10) days. Should such a revocation occur, an application to reestablish a cannabis operation at the subject property shall not be accepted for a minimum period of two (2) years.
 3. Violation of Standards or Conditions—Administrative Citations. In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the county code, this subsection provides for administrative citations, adopted pursuant to the authority conferred by the Government Code, including Section 53069.4. Violations of any provision of the county code, zoning or use permit condition are subject to administrative citation. Each day thereafter that the violation continues shall be considered a separate violation.

4. Monitoring and Enforcement Fee. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement.

Section 26-88-252 Cannabis Cultivation – Medical Personal Use

- (a) **Purpose.** This section establishes development criteria and operating standards for personal medical cannabis cultivation. Cultivation of medical cannabis for personal use shall be subject to the following standards and limitations as allowed in the base zone in compliance with Section 26-88-250. These standards shall apply to any medical cannabis growing environment including, but not limited to, outdoor, mixed light/greenhouse or indoor environments.
 - 1) **Residency Requirement.** Cultivation of medical cannabis for personal use is limited to parcels with a residence and the qualified patient or primary caregiver shall reside full-time on the premises where the cultivation is occurring. Cultivation is not allowed within any dwelling unit, second dwelling unit, guest house, or any other residential accessory structure permitted for residential occupancy (R3 building code occupancy). No cultivation shall occur in apartments, duplexes, triplexes, or other multifamily dwellings.
 - 2) **Maximum Personal Cultivation.** Cultivation of medical cannabis for personal use is limited to no more than six (6) mature plants per residence with no more than three (3) mature plants outdoors. Prohibited in the R2 and R3 zones.
 - 3) **Prohibition of Volatile Substances.** The use of volatile substances as defined in the fire and building codes (butane, alcohol, etc.) to manufacture cannabis products is prohibited.
 - 4) **Outdoor Personal Cultivation.**
 - i. Cannabis plants shall not be located in the front yard setback area and shall not be visible from a public right of way. No visible markers indicating that cannabis is cultivated on the site shall be visible from offsite.
 - 5) **Indoor and Mixed Light Personal Cultivation.**
 - i. Indoor, greenhouse and mixed light cultivation must be contained within a self-contained accessory structure, greenhouse or garage with a U occupancy under the building code. Cultivation within a residential structure with an R3 occupancy under the building code is prohibited.

- ii. All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing.
- iii. Structures associated with the cultivation shall not be located in the front yard setback area. All structures used for cultivation shall adhere to the setbacks stated within the base zone. There shall be no exterior evidence of cultivation either within or outside the residence. No visible markers indicating that cannabis is cultivated on the site shall be visible from offsite. Greenhouses shall be substantially screened from the public right of way.
- iv. All structures used for cultivation shall have locking doors to prevent access to children or other users. All cultivation structures shall be equipped with odor control filtration and ventilation systems adequate to prevent an odor, humidity, or mold problem on the premises or adjacent parcels.
- v. Light systems shall be fully shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.
- vi. The use of generators is prohibited, except as emergency back-up systems.

26-88-254 Cannabis Cultivation – Commercial Medical

- (b) **Purpose.** This section establishes development criteria and operating standards for commercial medical cannabis cultivation activities as allowed by the base zone in compliance with Section 26-88-250.
- (a) **Applicability.** This section shall apply to all commercial medical cannabis cultivation activities, including but not limited to, outdoor, indoor and mixed light or greenhouse environments and associated cloning, drying, aging, curing, trimming, and packing facilities. Medical cannabis cultivation does not include operations that manufacture cannabis products such as oils, tinctures, or edibles which are classified separately. Commercial medical cannabis cultivation operations shall comply with the following development criteria and operating standards in addition to the requirements of Section 26-88-250.
- (b) **Permit Requirements.** Commercial medical cannabis cultivation shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. Zoning permits for outdoor cultivation areas shall be issued by the Agricultural Commissioner. Zoning permits and use permits for all other cultivation activities including indoor and mixed light or greenhouse and associated processing operations shall be issued by PRMD. New structures and conversion of existing structures to cannabis cultivation will also be subject to design review.

- (c) **Limitations on Use.** All cultivation shall be conducted and maintained in compliance with this Section and the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner. The Agricultural Commissioner shall determine the applicable best management practices and shall enforce the provisions of this section for outdoor cultivation areas and management of pesticides and fertilizers for all cultivation types. All associated structures used in cultivation and related processes for cloning, drying, aging, curing, trimming, and packing shall be subject to permits issued by PRMD and shall be conducted and maintained in compliance with this Section.

Multiple cultivation permits may be issued to a single person or entity as defined herein, provided that the total combined canopy area of cultivation within the County does not exceed one acre. For purposes of this limitation, any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person for the purposes of this standard.

- (d) **Development Criteria.**

- (1) **Number of Facilities.** No more than one cultivation use/operator may be approved per contiguous parcel ownership, except in the industrial and agricultural zones. No more than two cottage cultivation types may be issued per contiguous parcel ownership unless a use permit is obtained. In the agricultural and industrial zones, multiple zoning permits may be issued for multi-tenant operations on a single parcel provided that the minimum parcel size is met for the total combined canopy size and the total combined canopy size does not exceed the maximum size limit allowed for the type of cultivation in compliance with Table 1A-D *Allowed Cannabis Uses and Permit Requirements*. (i.e. Outdoor maximum is 43,560 sf; Indoor/Mixed Light maximum is 22,000 sf)
- (2) **Square Footage Limitations.** The total combined square footage of the canopy or cultivation area shall not exceed the maximum size thresholds as defined in Table 1A-D *Allowable Cannabis Uses and Permit Requirements*. Structures and areas where cannabis is processed, dried, aged, stored, trimmed, packaged or weighed and areas where equipment is stored and washed shall be limited to the on-site cultivation use only, unless a use permit is obtained for processing.
- (3) **Property Setbacks- Outdoor.** Outdoor cultivation areas and all associated structures shall not be located in the front yard setback area and shall be substantially screened from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from

occupied residences and businesses. Outdoor cultivation sites and greenhouses/ mixed light structures shall be setback a minimum of 600 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.

- (4) Property Setbacks- Indoor.** All structures used for indoor cultivation and all structures used for drying, aging, curing, trimming, and packing and all indoor cultivation structures shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with the cultivation shall not be located in the front yard setback area and shall be substantially screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure. No visible markers indicating that cannabis is cultivated on the site shall be visible from offsite.
- (5) Property Setbacks- Mixed Light/Greenhouse.** Mixed light and greenhouses shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from occupied residences and businesses. Greenhouses/mixed light structures shall be setback a minimum of 600 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.
- (6) Building Requirements.** All structures used in commercial cultivation, including greenhouses and require a building permit and shall comply with all applicable sections of the County Code. Cultivation uses that involve employees, contractors, or provide access to the public will require a site review for accessibility including accessible parking, accessible path of travel, restrooms, and washing facilities.
- (7) Biotic Resources.** Cultivation areas shall be located to avoid impacts to sensitive biotic habitats including woodlands, wetlands, rivers, streams, and habitat connectivity corridors. Projects located within or adjacent to these areas will require a biotic assessment at the time of application to demonstrate that the facility avoids sensitive habitat. Any proposed cultivation activity located within adopted critical habitat areas must have appropriate permits or waivers from the state Department of Fish and Wildlife.

There shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained. Outdoor in-ground cultivation and all indoor or mixed light cultivation and related processing facilities shall be located

outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone) unless otherwise exempt. Outdoor above ground cultivation sites shall conform to the agricultural Riparian Corridor setback set forth in Section 26-64-050.

- (8) Cultural and Historic Resources.** Cultivation sites shall avoid or mitigate impacts to significant cultural and historic resources. Sites located within a Historic District shall be subject to review by the Landmarks Commission, unless otherwise exempt, consistent with Section 26-68-020.

If concentrations of prehistoric or historic-period materials are encountered during ground-disturbing work at the project location, all work in the immediate vicinity will be halted until a qualified archaeologist can evaluate the finds and make recommendations. The operator must immediately notify PRMD of the find. Historic-period features that may be present include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric cultural remains might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), and/or stone milling equipment, such as mortars and pestles.

If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification.

If paleontological resources are found, all work in the vicinity of the find must cease, and a paleontologist and PRMD staff must be notified to develop proper mitigation measures required for the discovery. No earthwork in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and PRMD staff.

- (9) Farmland Protection.** Where a commercial cultivation site is located within an Agricultural Zone (LIA, LEA, DA), the primary use of the parcel shall remain in agriculture use pursuant to General Plan Policy AR-4a. Indoor and mixed light cultivation facilities shall not remove agricultural production within Important Farmlands, including Prime, Unique and Farmlands of Statewide Importance as designated by the state Farmland Mapping and Monitoring Program, but may mitigate by relocating agricultural production on a 1:1.

If the facility is located on a site under a Land Conservation Act (Williamson Act) contract, the use must be listed as a compatible use in the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, and allowed by the type of contract and approved Land Conservation Plan. An application for modification of the contract and Land Conservation Plan may be required.

- (10) Fire Code Requirements.** The operator shall prepare and implement a Fire Prevention Plan for construction and ongoing operations and obtain an Operational Permit from the Fire and Emergency Services Department. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), addressing, vegetation management and fire break maintenance around all structures.
- (11) Grading and Access.** Cultivation sites shall not be located in areas with slopes that exceed 15 percent. Cultivation sites shall be designed to maintain natural grades and use existing roads for access. . Following the creation of temporary access roads, construction staging areas, or field office sites used during construction, all natural grades shall be restored and revegetated. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.
- (12) Hazardous Materials Sites.** No cannabis operation shall be sited on a parcel listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5, unless a use permit is required.
- (13) Lighting.** All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully shielded so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- (14) Runoff and Stormwater Control.** Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the review authority. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off or discharge into waterways. All cultivation operators shall comply with the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner for

management of wastes, water, erosion control and management of fertilizers and pesticides.

- (15) Security and Fencing.** A Site Security Plan shall be required subject to review and approval by the Permit and Resource Management Department. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensored and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Motion-sensor lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations of Section 26-88-030. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire and similar fencing is discouraged and shall not be permitted in residential zones. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards.

(e) Operating Standards.

- (1) Annual Inspections.** All cultivation sites shall be subject to annual on-site inspections by the Agricultural Commissioner. The inspection shall be conducted during regular business hours, with at least 24-hours' notice.
- (2) Air Quality and Odor.** All indoor, greenhouse and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.
- (3) Energy Use.** Cultivation sites shall be designed to maximize potential for on-site renewable energy use including consideration of geothermal, solar, wind and cogeneration systems. Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (i) on-grid power with 100% renewable source; (ii) on-site zero net energy renewable

source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators as a primary source of power shall be prohibited.

- (4) **Hazardous Materials.** All cultivation operations that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks and AB 185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County Fire and Emergency Services Department or Agricultural Commissioner.
- (5) **Hours of Operation.** Indoor cultivation activities may be conducted seven days a week, 24-hours per day as needed. Outdoor processing activities, deliveries and shipping shall be limited to the hours from 8 am to 5 pm, unless a use permit is obtained.
- (6) **Noise Limits.** Cultivation operations shall not exceed the General Plan Noise Standards Table NE-2, measured in accordance with the Sonoma County Noise Guidelines.
- (7) **Occupational Safety.** Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA and California Agricultural Labor Relations Act.
- (8) **Waste Management.** A Waste Management Plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner shall be submitted for review and approval by the review authority. This plan should characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with Best Management Practices and County standards.

All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of to a County Transfer Station or County Landfill before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste

generated from cannabis operations must be properly stored and secured to prevent access from the public.

- (9) **Waste Water Discharge.** A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated and proper management and disposal. . All cultivation operations shall comply with the Best Management Practices issued by the Agricultural Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sewer, septic, irrigation, greywater or bio-retention treatment systems. If discharging to a septic system an evaluation by a qualified sanitary engineer demonstrating the system's capacity to handle the waste is required. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.
- (10) **Water Supply.** An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Trucked water shall not be allowed, except as noted below and for emergencies requiring immediate action as determined by the director. The onsite water supply shall be considered adequate with documentation of any one of the following sources:
1. Municipal Water: The public water supplier providing water service to the site has adequate supplies to serve the proposed use.
 2. Recycled Water: The use of recycled process wastewater from an onsite use or connection to a municipal recycled water supply for the cultivation use, provided that an adequate on-site water supply is available for employees and other uses.
 3. Surface Water: A diversion permit issued by the State Water Resources Control Board of an existing legal water right.
 4. Well Water:
 1. The site is located in Groundwater Availability Zone 1, 2 or 3 and not within an area for which a Groundwater Management Plan has been adopted or within a high or medium priority basin as defined by the State Department of Water Resources; or
 2. Within Groundwater Availability Zone 4 or area for which a Groundwater Management Plan has been adopted or designated priority basin, the proposed facility would not result in a net

increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; Trucked recycled water may be considered for the cultivation area with a use permit, provided that adequate on-site water supplies are available for employees and other uses: or

3. A qualified professional prepares a hydro-geologic report providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and the operation will not:
 - i. result in or exacerbate an overdraft condition in basin or aquifer;
 - ii. result in reduction of critical flow in nearby streams; or
 - iii. result in well interference at offsite wells.

(11) Groundwater Monitoring: Water wells used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be calibrated at least once every five years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the Permit and Resource Management Department, Project Review Division by January 31 of each year. The annual report shall show a cumulative hydrograph of static water levels and the total quarterly quantities of water pumped from well(s) used in processing.

Sec. 26-88-126. - Medical cannabis dispensary uses.

- (a) Purpose. This section provides the location and operational standards for any medical cannabis dispensary within the unincorporated county in order to promote the health, safety, and general welfare of its residents and businesses.
- (b) Applicability. Medical cannabis dispensaries shall be permitted only in compliance with the requirements of this section, and all other applicable requirements of the underlying zoning district.
- (c) Permit Requirements. A use permit in compliance with Sections [26-92-070](#) and [26-92-080](#) shall be required for any medical cannabis dispensary. [Medical cannabis dispensaries shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services.](#) Additionally, medical cannabis dispensaries must comply with all other applicable building codes and requirements, including accessibility requirements.
- (d) Limit on Number of Dispensaries. No more than nine (9) medical cannabis dispensaries shall be permitted within the unincorporated county at any one time.
- (e) Compliance with Operating Plan and Conditions Required. A medical cannabis dispensary shall submit, as a part of the use permit application, an operating plan that specifies the manner in which operations will be handled and security provided, and which details the number of employees, number of patients, hours and days of operation allowed and approved. The operating plan shall provide that the dispensary shall require, at a minimum, a doctor's written recommendation in compliance with state law, as well as a photo identification for any person entering the site. Any medical cannabis dispensary approved under this section shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the dispensary is consistent with protection of the health, safety and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.
- ~~(f)~~ (g) Limited Term. Use permits for medical cannabis dispensaries shall be limited-term, and shall be issued for a maximum period of one year. ~~All use permits issued for a medical cannabis dispensary shall contain the following provision: "This permit shall be a limited term permit and shall be subject to revocation or modification following a public hearing if the approving body finds that there has been a violation or noncompliance with the operating plan or any of the use permit conditions, or if the use for which this permit is hereby granted constitutes a nuisance."~~
- ~~(f)~~ (g) Exercise and Renewal of Permit. Use permits for medical cannabis dispensaries shall be exercised only by the applicant, ~~who must be a qualified patient or primary caregiver,~~ and shall expire upon termination of the business for which it was issued, or upon sale or transfer of ownership of the medical cannabis dispensary. All use permits issued for a medical cannabis dispensary shall include the following provision: "This use permit shall expire upon change of tenancy or sale or transfer of the business or property." Any use permit that is abandoned for a period of six (6) months shall automatically expire, and shall become null and void with no further action required on the part of the county. A

use permit renewal may be administratively approved by the planning director only if all of the following findings are made:

- (1) The use has been conducted in accordance with this section, with the dispensary's approved operating plan, and with all applicable use permit conditions of approval;
- (2) The business for which the use permit was approved has not been transferred to another owner or operator;
- (3) There are no outstanding ~~code-enforcement~~-violations of health, safety, or land use.

~~(g)~~(h) Notwithstanding, a use permit approved under this section may be revoked or modified at any time following public hearing in accordance with Section 26-92-120.

~~(h)~~(i) Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application for the use permit, and shall include affidavits agreeing to abide by and conform to the conditions of the use permit and all provisions of the Sonoma County Code pertaining to the establishment and operation of the medical cannabis dispensary use, including, but not limited to, the provisions of this section. The affidavit(s) shall acknowledge that the approval of the medical cannabis dispensary use permit shall in no way permit any activity contrary to the Sonoma County Code, or any activity which is in violation of any applicable laws.

~~(i)~~(j) Location Requirements.

- (1) A medical cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.
- (2) A medical cannabis dispensary shall not be established within one thousand feet (~~4,000~~600') of any other medical cannabis dispensary, nor within five hundred feet (500') from a smoke shop or similar facility selling drug paraphernalia.
- (3) A medical cannabis dispensary shall not be established within ~~one thousand six hundred~~ feet (~~1,000~~600') from any public or private school, park, drug or alcohol treatment facility, or an establishment, public or private, that caters to or provides services primarily to persons under eighteen (18) years of age.
- (4) Notwithstanding, the subsections (~~jh~~)(1)—(2) may be waived by the decision-maker when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.

~~(j)~~(k) ~~Development Standards and Operational Criteria in General Standards~~. The following are the minimum development ~~standards-criteria~~ and operational ~~criteria~~ standards applicable to any medical cannabis dispensary use ~~(Level 1 and Level 2):~~:

- (1) The building in which the dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility requirements;
- (2) The dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. ~~The applicant shall submit a security plan operational plan shall include the approved security measures for review and approval by PRMD. The Security Plan shall remain confidential.;~~
- (3) The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to design review committee review and approval. The planning director may waive this requirement where the applicant can demonstrate that existing

facilities, including parking, lighting and landscaping, already meet the requirements of this section;

- (4) No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior;
- ~~(5) A dispensary shall have no operators or employees who are not qualified patients or primary caregivers meeting all terms and conditions of applicable law;~~
- ~~(6) A dispensary may possess cannabis at its facility only in the collective amount that each qualified patient or primary caregiver served is allowed to possess under Health and Safety Code Section 11362.77, as may be amended from time to time;~~
- ~~(7)~~(5) No person shall be allowed onto the premises unless they are a primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. No person under the age of eighteen (18) shall be allowed on the dispensary site. All persons entering the site shall present a photo identification and shall establish proof of doctor's recommendation. The operating plan submitted as a part of the use permit application shall specify how this provision will be complied with and enforced;
- ~~(8)~~(6) No dispensary shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises;
- ~~(9)~~(7) An exhaust and ventilation system shall be utilized to prevent off-site odors;
- ~~(10)~~(8) No dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the use permit. A dispensary may sell vaporizers and similar devices that provide an inhalation delivery system for medical cannabis, as allowed by the Health Permit. A dispensary may sell live starter plants from qualified nurseries, but shall not cultivate or clone cannabis. Not more than ten percent (10%) of the floor area, up to a maximum of fifty (50) square feet may be devoted to the sale of incidental goods.
- ~~(11)~~(9) No cannabis shall be smoked, ingested or otherwise consumed on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings.
- ~~(k) Level 1 Medical Cannabis Dispensary Additional Criteria. The following additional criteria shall apply to a Level 1 medical cannabis dispensary:~~
 - ~~(1) A Level 1 medical cannabis dispensary shall have no more than three hundred (300) total patients at any one time, and shall serve an average of twenty (20) or less patients per day;~~
 - ~~(2)~~(10) The size of a Level 1 medical cannabis dispensary shall be limited, and shall not exceed one thousand (1,000) square feet unless specifically approved by the use permit. No dispensary may increase in size without amending the use permit. The size limitation shall be included in the operational plan required by 26-88-126(e), of this section;
 - ~~(3) Operating days and hours shall be limited to Monday through Saturday from 8:00 a.m. to 5:00 p.m., or as otherwise approved by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.~~
- ~~(l) Level 2 Medical Cannabis Dispensary Additional Criteria. The following additional criteria shall apply to any Level 2 medical cannabis dispensary:~~
 - ~~(1)~~(11) Parking must meet the requirements of Section 26-86-010.
 - ~~(2)~~(12) Operating days and hours shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m., or as otherwise allowed by the use permit. Operating

hours may be further restricted through the use permit process where needed to provide land use compatibility.

(Ord. No. 5967, § I, 1-31-2012; Ord. No. 5748 § 2, 2007; Ord. No. 5715 § 2, 2007.)

Cannabis Exclusion Zone

Chapter 26 of the Sonoma County Code is amended to add a new Article 71, as follows:

Article 71. – Y Cannabis Exclusion Combining District.

Sec. 26-71-005. - Purpose.

The purpose of this district is to provide for the exclusion of cannabis related uses in the following areas:

- (a) Areas where there is inadequate road access or other conflicts;
- (b) Areas where the prevalence of cannabis is detrimental to the residential character of area;
- (c) Areas where the commercial or industrial uses are to be protected from conversion to cannabis uses;
- (d) Areas where, because of topography, access, water availability or vegetation, there is a significant fire hazard.
- (e) Areas where residential character is to be preserved; and
- (f) Other areas where the Board of Supervisors determines that it is in the public interest to prohibit cannabis uses.

Sec. 26-71-010. - Permitted uses.

All uses permitted in the base zone with which the Y combining district is applied shall be permitted in the Y combining zone, except for the establishment, operation, placement or construction of cannabis cultivation or related land uses otherwise authorized by 26-88-250 through 256.

Cannabis Inclusion Zone

Chapter 26 of the Sonoma County Code is amended to add a new Article 71, as follows:

Article 71. – Y Cannabis Exclusion Combining District.

Sec. 26-71-005. - Purpose.

The purpose of this district is to provide for the allowance of commercial cannabis cultivation in appropriate areas.

Sec. 26-71-010 Applicability.

This combining zone may be applied to the rural residential zoning district where determined it is appropriate to allow small scale commercial cannabis cultivation.

Sec. 26-71-010. - Permitted uses.

In addition to the uses permitted in the base zoning, commercial cottage cannabis cultivation may be permitted in the Y combining zone subject to approval of a (zoning or use permit) subject to the special use regulations in Sections 26-88-250 through 256, as applicable.